

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 Resolution or Ordinance (Blue) Waiver of First Requested
 X Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : October 26, 2021 **(BOT) Date:** November 4, 2021

SUBJECT: Text Amendments to Section 36.30 of Village Code: Downtown Area Improvement & Renovation Grant Program

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Economic & Community Development Committee (ECD) recommends that the Village Board approve, the Downtown Area Improvement & Renovation Grant Program. As part of the ongoing administration of the various Downtown Improvement and Renovation Grant (DRIG Program, also known as the Façade Grant Program). As questions or potential issues have arisen relative to the application of the grant program, staff has brought them to the ECDC for direction.

The ECDC unanimously recommended approval of the text amendments. Please place this item on the November 4, 2021 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: November 4, 2021

SUBJECT: **Text Amendments to Chapter 36 of Village Code: Downtown Area Improvement & Renovation Grant Program**

Please find the following items for Village Board consideration as part of the November 4, 2021 Board meeting:

1. Economic and Community Development Committee (ECDC) memo;
2. Ordinance approving the proposed Code amendments to Chapter 36; and
3. Grant Policy document which outlines changes additional policy edits.

The ECDC unanimously recommended approval of the text amendments. Please place this item on the November 4, 2021 Board of Trustees agenda.

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 110
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE DOWNTOWN
IMPROVEMENT AND RENOVATION GRANT PROGRAM**

WHEREAS, the Village of Lombard (the "VILLAGE") has established and maintains a downtown improvement and renovation grant program, which are found in Title III, Chapter 36 of the Lombard Village Code; and

WHEREAS, the Corporate Authorities of the Village deem it reasonable to periodically review the Lombard Village Code and make necessary changes; and

WHEREAS, the Corporate Authorities of the Village finds that Chapter 36 required text amendments for consistency and clarity purposes; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title III, Chapter 36, Section 36.30 of the Village Code of Lombard, Illinois is hereby amended to read as follows (with additions being unlined and bolded and deletions in strikethrough):

§ 36.30 Definition.

There shall be established in the Village of Lombard a Downtown Improvement and Renovation Grant Program (the "Grant Program") which shall be administered by the Director of Community Development (the "Director") with approval from the Economic & Community Development Committee (**ECDC**) in accordance with the standards set forth in this Chapter.

SECTION 2: That Title III, Chapter 36, Section 36.32 of the Village Code of Lombard, Illinois is hereby amended to read as follows:

§ 36.32 Applications for grants.

(A) Any property owner or lessee of business or residential property who wishes to undertake façade improvements, improve signage, or improve existing parking to facilitate additional use of same for the village may apply for a matching, reimbursement grant under this Chapter by completing an application supplied by the Director provided that the principal structure located on the property is at least ~~20~~ **10** years old. Applications shall be eligible for acceptance if received by a date established by the Director and if they meet the following eligibility criteria:

(1) The building or property must be located within the limits of the TIF District.

- (2) The applicant is either a commercial, office, residential or mixed-use building owner (excluding single-family residences) or a commercial, office, or residential tenant which has obtained consent of the building's owner to the project as evidenced by the building owner's signature on the application form.
 - (3) The cost of the project is at least \$500.00.
 - (4) The improvements involve certain exterior renovation and/or restoration projects as determined by the Economic and Community Development Committee and listed in the informational packet supplied with the application. General maintenance items are not eligible.
- (B) Applications shall contain at least the following information: an estimate of the project costs, a detailed description of the project, a description of the building involved including ownership information ~~and market value~~, lease information, if applicable, names and addresses of the applicants, names and addresses of the architect and/or contractor involved and the estimated amount of the repair, renovation, and/or restoration.

SECTION 3: That Title III, Chapter 36, Section 36.33 of the Village Code of Lombard, Illinois is hereby amended to read as follows:

§ 36.33 Requirements for grant application approval.

Recipients of grants shall be chosen from eligible applicants based on the characteristics of the project as described in the grant application and materials submitted therewith. The ~~Economic and Community Development Committee (ECDC)~~ shall have the authority to approve grant applications, as provided for within §§ 36.30 to 36.36 of this Code, in an amount of less than \$10,000.00. The Board of Trustees has the authority to approve grant requests of \$10,000.00 or greater.

SECTION 4: That Title III, Chapter 36, Section 36.34 of the Village Code of Lombard, Illinois is hereby amended to read as follows:

§ 36.34 Disbursement of grant funds.

A minimum of three estimates must be submitted for the work to be performed. No grant funds shall be disbursed unless all building improvements are undertaken in compliance with all applicable provisions of the Village Code and until the village receives an affidavit from the grant recipient containing his or her sworn statement that he or she has paid ~~at least 50~~ **100** percent of the approved cost of the project. ~~Original paid receipts from contractors amounting to at least 50 percent of the approved project cost must be attached to the affidavit and no disbursement of grant funds shall be made until such receipts are received.~~ The village will then release ~~50 percent of the approved grant~~ **amount** with proper documentation. ~~No further disbursement shall be made thereafter until an affidavit containing a sworn statement that the project is completed is received together with attached paid receipts for the remaining project~~

~~costs.~~ Upon filing of such affidavit and receipts, the grant percentage of the amounts which will result in payment of no more than the originally approved grant amount shall be disbursed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2021.

First reading waived by action of the Board of Trustees this ____ day of _____, 2021, pursuant to roll call vote as follows:

Passed on second reading this ____ day of _____, 2021.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2021.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2021.

Sharon Kuderna, Village Clerk

DOWNTOWN AREA IMPROVEMENT AND RENOVATION GRANT PROGRAM POLICY

20182021

The purpose of the Downtown Area Improvement and Renovation Grant Program is to increase the economic viability of Downtown Lombard area by improving the aesthetics of the buildings, improving signage, and increase the availability and ease of parking. The Downtown Area Improvement and Renovation Grant Program will offer a one-for-one matching grant for selected exterior improvements. This Program is intended to complement and support the Village's plans to maintain a quality downtown area. The Downtown Area Improvement and Renovation Grant Program is to create a more attractive area through a private/public partnership.

The Program is administered through the Department of Community Development, with grant review and approval authority by the Economic and Community Development Committee (ECDC) and the Village Board.

Grant Eligibility

- 1. Qualifications.** In order to Qualify for the Downtown Area Improvement and Renovation Grant Program, the building must be located within one of the following Tax Increment Financing Districts (TIF) in Lombard:
 - Lombard Downtown TIF District
 - Lombard St. Charles Road TIF 1- West District
 - Lombard St. Charles Road TIF 2- East District
- 2. Improvements.** Eligible ~~storefront~~ improvements may include façade renovation, lights, signs, graphics, windows, doors, window displays, awnings, landscapes, exterior accessibility accommodations and parking improvements. Grant funds are available for improvements to existing buildings that are at least ten (10) years old. Façade renovation of upper floors is also eligible if first floor improvements are approved simultaneously. The sides of commercial buildings which are highly visible from main shopping streets are also eligible. If a property receives notification from Code Administration on a potential violation, the ECDC has discretion to deem the proposed improvement eligible or not.
- 3. Eligible Funding Amounts.** ~~Approved applications for the Program are eligible to~~ The program allows a building to receive a up to a fifty percent (50%) matching grant. A building that has multiple tenant spaces, or condominium units, may apply for one façade grant and may receive up to a 50% matching grant. Grants up to \$10,000 are approved by the ECDC. All grants above \$10,000 must be approved by the Village Board. The maximum grant amount ~~is for a building in its entirety is capped at~~ \$50,000, although requests for grants above \$50,000 will be considered by the Village Board on a case-by-case basis if extraordinary conditions exist. Individual businesses may also apply for the Downtown Retail Business Grant and the Downtown Restaurant Forgivable Loan, as long as those programs are available at that time.

- A. Signage and Awnings: ~~Applicants-Businesses~~ are allowed to apply more than once for the program at the same location. New applications are allowed seven (7) years after the initial request. Subsequent applications for signage and awnings at the same location, by the same applicant/business, will be eligible for the fifty percent (50%) grant as long as the contract price is \$2,000.00 or less. If an applicant/ business relocates a signage or awning at the new location they would be eligible for the 50% matching grant. If a new tenant or property owner acquires the property they would be eligible for a 50% matching grant for their first signage or awning request.
 - B. Accessibility Improvements: Exterior accessibility improvements that meet the provisions of the Illinois Accessibility Code (IAC) or the Americans with Disabilities Act (ADA), whichever regulation is applicable, are exempt from the \$50,000 cap on improvements, but are still subject to Village review and approval on a case by case basis. Exterior accessibility enhancements that are not required by applicable codes but enhance accessibility, as determined by the Village's Accessibility Coordinator, may be also eligible for grant funding, subject to final review and approval by the ECDC and/or Village Board.
4. **Ownership.** Eligible applicants include:
 - A. owners of commercial, office, residential or mixed-use buildings or property (excluding single-family residences); or
 - B. business owners of a commercial or office tenant space. Business owners who are tenants of commercial buildings must provide written consent ~~form from~~ the building owner for all proposed improvements.
5. **Fees.** Professional, architectural, engineering, and Village building permit fees may be included in the total improvement costs. The Downtown Improvement and Renovation Grant Program will fund up to twenty-five percent (25%) or \$1,500, whichever is less. There are no application fees to apply for the grant program. However, if a business or property owner owes money to the Village, all accounts must be current before any portion of the grant is disbursed.
6. **Conformance.** All improvements must conform to current building and zoning codes of the Village of Lombard and to minimum design criteria developed for the Downtown Improvement and Renovation Grant Program as outlined in the "Downtown Lombard Improvement Plan" dated March 26, 1987 as well as the Downtown Lombard Revitalization Guidebook, dated May 23, 2011. The property owner or representative must complete the pre-application, and must be prepared to comply with all federal and local laws, ordinances, and regulations.
7. **Process.** The applicant must submit an application for the Program to the Community of Development Department. A separate request for a building permit; ~~an electrical permit~~ and/or other permits and licenses shall be submitted to the Village. to the Community Development Department. The Director of Community Development or his/her/their

designees, shall review the application and all supporting documentation. The applicant, or ~~his/her~~their designee, shall be present at the ECDC meeting to make a brief presentation on the request.

8. **Timing.** If approved, the applicant has twelve (12) months from the date of the final grant approval by the ECDC or the Village Board, whichever is applicable, to start the project and eighteen (18) months from the grant approval date to complete the project. If the project has not started within twelve (12) months or completed within the eighteen (18) months from the approval of the grant, the applicant must reapply to either the ECDC or Village Board (whichever entity provided approval) for a time extension. If the applicant does not reapply, the grant approval shall automatically expire.
9. **Appeals.** If the grant was denied by the ECDC, the applicant may resubmit the application after addressing the application deficiencies or appeal the decision. If the applicant chooses to appeal the decision, a letter of appeal and supporting documentation must be sent to the Director of Community Development stating the reason for the appeal. The letter of appeal and supporting documents will then be forwarded to the Village Board. The Village Board will review the appeal and make the final determination of the grant application.

If the application was denied by the Village Board, the applicant may resubmit after addressing the concerns of the Board.

Design and Selection Process Criteria

The design and selection process will follow the recommendations of the “Downtown Lombard Improvement Plan” dated March 26, 1987 as well as the Downtown Lombard Revitalization Guidebook, dated March 23, 2011. The improvement plan provides recommendations for the enhancement of building facades, efficient and appropriate land use, parking, and traffic circulation. A copy of the aforementioned documents are available at the Community Development Department and on the Village’s website.

Procedural Requirements

Participants in the Program must accomplish the following steps:

1. An applicant must first meet with the Director of Community Development, or ~~his/her~~their designee, to review the proposal. Upon completion of the initial review, the applicant shall submit the following documents to the Community Development Department:
 - a. A completed application form;
 - b. Preliminary renovation and improvement plans (the Village reserves the right to request additional plans, drawings or exhibits that may be necessary in order to process the request);
 - c. Three detailed and uniformly quoted contractor cost estimates (if the request is exclusively for an accessibility enhancement and the grant request does not exceed \$1,000.00, the need for two additional quotes may be waived by the Director);

- d. Proof of ownership, lease, and/or owner's approval.
2. After review and approval by the ECDC and/or Village Board, the applicant shall proceed as follows:
 - a. Submit final plans and cost estimates to the Department of Community Development and apply for proper building permits;
 - ~~b. Upon receipt of the plans and a review and approval by the Community Development Department for compliance with code and consistency with the approved grant request, a "Notice to Proceed" shall be forwarded to the applicant by the Department of Community Development.~~
 - ~~e.b.~~ Upon issuance of the Notice to Proceed, building permit improvements and renovations may start ~~after the required building permits have been issued.~~ All necessary inspections should be coordinated through the Village's Building Division.
 - ~~d.c.~~ Upon completion of the project and after all final inspections have been approved, the eligible and approved grant elements will be inspected by the Village for conformance with the grant application. The applicant shall provide the Village with a copy of final receipt(s) showing that the approved grant project was paid in full, a waiver of lien from the contractor(s), and a completed Internal Revenue Service (IRS) W-9 form. Upon receipt and final review, the Village shall issue a reimbursement check in an amount not to exceed the approved grant request.

All improvements and renovation plans must follow current code requirements. Improvements made and expenses incurred prior to approval of the application and execution of the agreement are not eligible. In exchange for a grant approval, the business owner and any subsequent owner agrees to maintain the business in accordance with local codes, and agrees not to substantially change the use of the building for three (3) years after completion of the improvements without written approval from the Director. Grant recipients shall be obligated to notify the Village should the property be placed on the real estate market for sale

Failure to maintain the business in accordance with local codes or negatively changes the use of the business or interior space will require full repayment of grant funds to the Village. This requirement may be waived by the Director of Community Development on a case-by-case basis.

Please call ~~(630)-~~620-5749, or email cd@villageoflombard.org, for further information or to set up an appointment.

Village of Lombard
Community Development Department
255 E. Wilson Avenue

Lombard, IL 60148